

Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 79

SENATE BILL 1307

AN ACT

AMENDING SECTIONS 41-2092 AND 41-2115, ARIZONA REVISED STATUTES; RELATING TO
THE DEPARTMENT OF WEIGHTS AND MEASURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2092, Arizona Revised Statutes, is amended to
3 read:

4 41-2092. Licensing fees; definitions

5 A. The following fees shall be paid to the department as license fees
6 for devices used for commercial purposes:

7 Schedules of Fees

8 1. Weighing devices:

9	0 - 500 pounds capacity (or metric equivalent)	\$	12.00
10	501 - 2,000 pounds capacity		18.00
11	2,001 - 7,500 pounds capacity		36.00
12	7,501 - 20,000 pounds capacity		80.00
13	20,001 - 60,000 pounds capacity		120.00
14	60,001 pounds capacity and over		180.00

15 2. Liquid metering devices (meters) other than
16 for liquid petroleum gas and utility meters:

17	maximum 12 gallons per minute and under	12.00
18	maximum 13 - 150 gallons per minute	36.00
19	maximum 151 - 500 gallons per minute	90.00
20	maximum 501 - 1,000 gallons per minute	138.00
21	maximum 1,001 gallons per minute and over	168.00

22 3. Motor fuel devices (dispensers) other than
23 for liquid petroleum gas (not including
24 satellite hoses or nozzles):

25		Standard	Stage II
26	each meter	15.00	30.00
27	each blending valve	15.00	30.00
28	high volume (over 19 gallons per minute)		
29	diesel per hose and nozzle		15.00
30	keylock, limited access, with accumulators,		
31	per hose and nozzle		22.50
32	remote indicator and control unit (no hoses		
33	or nozzles) (accessory only)		22.50

34 4. Liquid measuring devices for liquid petroleum
35 gas (meters):

36	small bottle fill measuring devices	24.00
37	motor fuel measuring devices, uncompensated	24.00
38	motor fuel measuring devices, temperature	
39	compensating, including compressed natural	
40	gas filling devices	48.00
41	motor fuel measuring devices, keylocks	48.00
42	3/4" and 1" meters, uncompensated	48.00
43	1 1/4", 1/2" and 1 3/4" meters, uncompensated	72.00
44	2" meters and larger, uncompensated	72.00
45	3/4" and 1" meters, temperature compensating	54.00

1 1 1/4", 1/2" and 1 3/4" meters, temperature
2 compensating 90.00
3 2" meters and larger, temperature compensating 96.00
4 5. Linear measuring devices:
5 all linear measuring mechanical devices 24.00
6 6. Time measuring devices:
7 all time measuring mechanical, electrical and
8 electronic devices 24.00
9 7. Counting devices:
10 all mechanical and electronic counting devices 12.00
11 B. Testing, inspection, certification and calibration fees shall be
12 paid pursuant to the fee schedule set forth in subsection A or the rules of
13 the department. The department shall waive license fees for customer parking
14 time measuring meters owned by municipalities.
15 C. Issuance or renewal of license as:
16 1. Public weighmaster 48.00
17 2. Registered service agency 24.00
18 3. Registered service representative 4.80
19 D. The fees set forth in this section are the maximum amounts that may
20 be charged, but the director, at the director's discretion, may reduce the
21 fees to any amount the director deems necessary.
22 E. The director may prorate the fees set forth in this section for
23 partial year application.
24 F. If a person fails to pay a license, permit or certification fee on
25 or before the date the fee is due, the department shall impose a penalty
26 equal to twenty per cent of the fee. For each month THIRTY DAY PERIOD after
27 the date the fee is due, the department shall impose an additional penalty
28 equal to twenty per cent of the fee. If a person fails to pay a license,
29 permit or certification fee AND ALL RELATED PENALTIES for three months NINETY
30 DAYS after the fee is due, the department shall automatically cancel the
31 license, permit or certification.
32 G. For the purposes of this section:
33 1. "Taxicab" means a motor vehicle that has a driver for hire, that
34 has a seating capacity of less than seven passengers and that is not operated
35 on a regular route.
36 2. "Time measuring devices" and "linear measuring devices" do not
37 include odometers except when utilized as the device on which a charge is
38 determined in the operation of a taxicab.
39 Sec. 2. Section 41-2115, Arizona Revised Statutes, is amended to read:
40 41-2115. Civil penalties
41 A. A person who violates this chapter, any rule of the department or
42 any license requirement is subject to a civil penalty imposed by the
43 director. A person who violates this chapter, any rule of the department or
44 any license requirement may request a hearing to review a civil penalty
45 imposed under this section. The department shall conduct the hearing in

1 accordance with chapter 6, article 10 of this title. EXCEPT AS PRESCRIBED
2 IN SUBSECTION B OF THIS SECTION, the civil penalty shall not exceed five
3 hundred dollars for each infraction nor more than five thousand dollars for
4 any thirty day period AT EACH BUSINESS LOCATION, FOR EACH REGISTERED SERVICE
5 REPRESENTATIVE OR FOR EACH PUBLIC WEIGHMASTER, PROVIDED THAT NO PERSON SHALL
6 BE ASSESSED MORE THAN FIFTY THOUSAND DOLLARS PER THIRTY DAY PERIOD.

7 B. THE DIRECTOR MAY DOUBLE THE MAXIMUM CIVIL PENALTY IF ANY OF THE
8 FOLLOWING APPLY:

9 1. A COMMERCIAL DEVICE IS FOUND TO BE IN VIOLATION WITH RESULTS THAT
10 FAVOR THE RETAILER AT MORE THAN TWICE THE ALLOWABLE TOLERANCE AS STATED IN
11 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY HANDBOOK 44.

12 2. A PACKAGE IS FOUND TO EXCEED THE MAXIMUM ALLOWABLE VARIATION FOR
13 THE LABELED QUANTITY ALLOWED IN NATIONAL INSTITUTE OF STANDARDS AND
14 TECHNOLOGY HANDBOOK 133 OR THE AVERAGE ERROR OF THE LOT IS TWICE THE SAMPLE
15 ERROR LIMIT IN FAVOR OF THE RETAILER.

16 3. A STAGE II VAPOR RECOVERY SYSTEM REINSPECTION FAILS THE REQUIRED
17 TESTS.

18 4. A MAXIMUM CIVIL PENALTY HAS BEEN IMPOSED ON A RETAILER FOR A PRICE
19 POSTING OR PRICE VERIFICATION VIOLATION AND IN A REINSPECTION, IF CONDUCTED
20 WITHIN NINETY DAYS, THE FAILURE RATE IS TEN PER CENT OR MORE AND AT LEAST ONE
21 ERROR IS IN FAVOR OF THE RETAILER.

22 C. The attorney general shall bring actions to recover CIVIL
23 penalties pursuant to this section in the superior court in the county in
24 which the violation occurred or in a county where the agency has its
25 office. All monies derived from civil penalties shall be deposited, pursuant
26 to sections 35-146 and 35-147, in the state general fund.

APPROVED BY THE GOVERNOR APRIL 17, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2003.

Passed the House April 10, 20 03,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate March 10, 20 03,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Bennett
President of the Senate

Charmine Beaudry
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 2003,

at 11:50 o'clock A M.

Sandra Chamise
Secretary to the Governor

Approved this 17 day of

April, 2003,

at 4:05 o'clock P. M.

J. N. Apple
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2003.

at 11:18 o'clock A M.

Janice L. Brewer
Secretary of State

S.B. 1307